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Sequence Number: \_\_\_\_\_

Notice ID(s): \_\_\_\_\_

File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Department of Human Services
<b>Division:</b>	Family Assistance Division
<b>Contact Person:</b>	Nicole Armstrong
<b>Address:</b>	Office of General Counsel Citizens Plaza Building, 15 <sup>th</sup> Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	Nicole.Armstrong@tn.gov

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Jeffrey Blackshear
<b>Address:</b>	Office of General Counsel Citizens Plaza Building, 15 <sup>th</sup> Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	Jeffrey.Blackshear@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Citizens Plaza Building Second Floor, Tennessee River Conference Room 400 Deaderick Street
Address 2:	
City:	Nashville
Zip:	37243-1403
Hearing Date :	07/15/13
Hearing Time:	1:30 PM
	<input checked="" type="checkbox"/> X CST/CDT <input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1240-01-31	Drug Addict and Alcoholic Treatment Centers and Group Living Arrangements - Food Stamps Only
Rule Number	Rule Title
1240-01-31-.03	Shelters for Battered Women and Children – Food Stamps Only

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter 1240-01-31  
Drug Addict and Alcoholic Treatment Centers and  
Group Living Arrangements - Food Stamps Only  
Food Stamp Program

Amendments

Rule 1240-01-31-.03 Shelters for Battered Women and Children – Food Stamps Only is amended by deleting the rule in its entirety, by substituting instead the following language, and by amending the name of the rule in the Table of Contents accordingly, so that, as amended, rule 1240-01-31-.03 shall read as follows:

1240-01-31-.03 Shelters for Battered Persons and Children – Food Stamps Only

- (1) Shelters for Battered Persons and Children - Definition. Shelter for battered persons and their children means a public or private non-profit facility that serves battered persons and their children. If the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons and children to meet the criteria for eligibility in a shelter for battered persons and children.
- (2) Application Process. Prior to certifying residents of a shelter for battered persons and their children, the worker must determine whether the shelter meets the definition in (1) above of this section. The worker must apply the criteria established in the Program's definition of a shelter for battered persons and their children in order to arrive at a determination, and document the relevant facts for future reference. However, if the facility has FNS Authorization to redeem coupons at wholesalers, the worker is not required to make a determination as to whether the facility meets the program definition. The fact that the facility is authorized by FNS should be documented in the case record.
  - (a) Residents of shelters for battered persons and children shall apply as separate households:
    1. Through use of an authorized representative employed and designated by the shelter;
    2. On their own behalf; or
    3. Through an authorized representative of their own choice.
  - (b) Residents of shelters are exempted from the prohibition against participating in more than one county in any month. This provision is limited to persons and children leaving the household containing the person who subjected them to abuse.
    1. Their former household may be certified for participation in the program and its certification may be based on the household size that includes the persons and children who have just left. Shelter residents who are included in such certified households may apply for and (if otherwise eligible) participate in the program as separate households if the certified household which includes them contains the person who subjected them to abuse. In this instance, shelter residents who are included in such certified households may receive an additional allotment as a separate household in a given month. Such residents can receive the additional allotment only once a month regardless of the number of times the battered persons and their children return to the former household and are forced to take refuge in a shelter more than once in a given month.
    2. Shelter residents whose former household was not certified for program participation prior to the member(s) entering the shelter may be certified for program benefits as separate households, if otherwise eligible. Such residents can only receive one allotment per month, regardless of the number of times they return to the former household and are forced to return to the shelter.
  - (c) Income and Resources. Residents of shelters for battered persons and children who apply as separate households shall be certified solely on the basis of their income and resources. The only expenses that should be taken into consideration are the expenses for which they are

responsible in determining deductions for the household. These households shall be certified without regard to the income, resources, and expenses of their former household. Jointly held resources with members of the former household shall be considered as inaccessible resources in accordance with 1240-01-04-.09.

- (d) Processing Standards. Residents eligible for expedited service shall be handled in accordance with 1240-01-05. Other residents who make application and are not eligible for expedited service shall be handled under normal procedures in 1240-01-14.
  - (e) Verification. Information for verification of the residents' circumstances may be obtained from documents possessed by the household, information obtained from the facility, or collateral contacts.
  - (f) Certification Period. Households shall be assigned a one month certification period in accordance with 1240-01-07 due to the frequent short stay in such facilities.
  - (g) Use of Coupons. Residents may use the coupons to purchase meals prepared for them at a shelter which is authorized by FNS to redeem at wholesalers, or which redeem at retailers as the authorized representative of the participating household.
- (3) Reducing the Former Household's Benefits. The worker must take prompt action to ensure that the former household's eligibility and/or allotment reflects the changes in the former household composition. This is considered as a reported change and should be acted on in accordance with the procedures in 1240-01-19.
- (4) Reporting Changes.
- (a) If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the county office in accordance with the provisions that apply to all other Food Stamp households in accordance with 1240-01-19-.04.
  - (b) If the shelter is acting as authorized representative, it shall notify the county office of changes in the household's circumstances, etc. in accordance with the provisions that apply to all other Food Stamp households.
- (5) While the Participant is in the Facility

Through a waiver from USDA, the facility is permitted to act as a point of sale. The food stamp benefits are redeemed at the facility and deposited into the institution's account. This may be completed by point of sale terminals or manual EBT transaction processing. This process will eliminate the facility from having to handle multiple EBT cards while shopping for food. Benefits due a recipient leaving the facility can be accurately tracked.

(6) Household Leaves the Shelter for Battered Persons and Children

(a) Facility Has Use of Benefits

- 1. When the household leaves the shelter for battered persons and children the shelter, either acting as authorized representative or retaining use of the benefits on behalf of the residents, must provide residents with their EBT card. Also, the departing household must receive its full allotment if the monthly allotment has been issued and no benefits have been spent on behalf of that individual household. Once the resident leaves, the shelter no longer acts as authorized representative for the household.
- 2. The shelter must return any household's benefits to the county office if they are received after the household has left the shelter. This is true as well for any EBT cards and/or PIN mailers received after the household has left the shelter.

(b) Household Retains Use of Benefits. Households, which retain use of their own benefits, are

entitled to keep the benefits when they leave the shelter.

- (7) Shelter for Battered Persons and Children Responsibilities. The reporting responsibilities and review requirements for drug addicts and group living arrangements also apply to shelters for battered persons and children. Refer to Sections 1240-01-31-.01 for specific instructions.
- (8) Eligibility of Residents Residing in Shelters for Battered Persons and Children Which Do Not Provide Meals. Residents of shelters which do not provide meals may participate in the program, if otherwise eligible, as any other household. Such residents are not considered as residing in an institution; therefore, the special provisions in this section do not apply, i.e., receiving more than one allotment in a given month.

Authority: T.C.A. §§ 4-5-202 et seq., 71-6-201 et seq.; 7 C.F.R. § 273.11.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Nicole Armstrong

Assistant General Counsel

Title of Officer: Tennessee Department of Human Services

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

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Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State